FORM PTO-1083

Docket No.: 6001.1281
Date: December 6, 2005

Mail Stop: APPEAL BRIEF - PATENTS
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: **John Sheridan RICHARDS et al.**
Serial No.: 10/612,219
Filed: July 2, 2003
For: **AUTOMATIC MOTOR PHASE PRESETTING FOR A WEB PRINTING PRESS**

S i r:

Transmitted herewith is an **Appeal Brief under 37 C.F.R. §41.37 with Appendixes A, B, C (13 pages total)** in the above-identified application.

[ ] Also transmitted herewith are:
[ ] Petition for extension under 37 C.F.R. 1.136
[ ] Other:

[X] Check(s) in the amount of **$500.00** is/are attached to cover:
[ ] Filing fee for additional claims under 37 C.F.R. 1.16
[ ] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: **Appeal Brief Fee**

[X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

[X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
[X] Any patent application processing fees under 37 C.F.R. 1.17.
[X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

William C. Gehris, Reg. No. 38,156
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on December 6, 2005.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: _____
Jan Decker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re:	Application of:	RICHARDS, et al.		
	Serial No.:	10/612,219	Confirmation No.:	5761
	Filed:	07/02/2003		
	For:	AUTOMATIC MOTOR PHASE PRESETTING FOR A WEB PRINTING PRESS		
	Art Unit:	2854		
	Examiner:	Wasseem H. Hamdan		
	Customer No.:	23280		
	Atty. Docket:	6001.1281		

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Alexandria, VA 22313-1450

December 5, 2005

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated July 5, 2005 in this application. The statutory fee of $500.00 is paid concurrently herewith.

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1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas, Inc., a corporation having a place of business in Dover, New Hampshire, and the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Goss International Americas, Inc. by a chain of assignments originating from inventor John Sheridan Richards. The most recent assignment was recorded on October 20, 2004 at reel 015886, frame 0713.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1-6, 8-12, 14-17, 19 and 20 are pending. Claims 7, 13, and 18 have been canceled. Claims 1-6, 8-12, 14-17, 19 and 20 have been finally rejected as per the Final Office Action dated July 5, 2005.

The rejection to claims 1-6, 8-12, 14-17, 19 and 20 thus is appealed. A copy of appealed claims 1-6, 8-12, 14-17, 19 and 20 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

No amendments to claims were filed after the final rejection. An advisory action was issued on October 19, 2005. A Notice of Appeal was filed on October 4, 2005 and received by the U.S.P.T.O. on October 6, 2005.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites a method for presetting motor phase in a web printing press (e.g., 10 in Fig. 1, e.g., specification at paragraph [0031]) comprising the steps of: determining a desired preset phase for a motor (e.g., 220 in Fig. 1, e.g., specification at paragraph [0032]); subsequent to the determining step, providing a mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]) on a first printing form (e.g., 122, specification at paragraph [0035]) using plate or image making equipment (e.g., 50 in Fig. 1, e.g.,

specification at paragraph [0033]), the plate or image making equipment (e.g., 50 in Fig. 1, e.g., specification at paragraph [0033]) providing the mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]) as a function of the determined desired preset phase for a motor (e.g., 220 in Fig. 1, e.g., specification at paragraph [0032]) driving the first printing form (e.g., specification at paragraph [0032]) during printing; reading the mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]) using a sensor (e.g., 24 in Fig. 1, e.g., specification at paragraph [0033]), the sensor having a sensor output; and presetting the phase of the motor (e.g., 220 in Fig. 1, e.g., specification at paragraph [0032]) as a function of the sensor output (see, e.g., [0024]).

Independent claim 14 recites a web printing press (e.g., 10 in Fig. 1, e.g., specification at paragraph [0031]) comprising: plate or image making equipment (e.g., 50 in Fig. 1, e.g., specification at paragraph [0033]) providing a first mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]) to a first printing form (e.g., 122 in Fig. 2, specification at paragraph [0035]), the first mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]) being provided as a function desired preset motor phase information; a first printing group (e.g., 22 in Fig. 1, e.g., specification at paragraph [0032]) for printing a first web (e.g., 130 in Fig. 1, e.g., specification at paragraph [0033]) and having at least one first drive motor (e.g., 220 in Fig. 1, e.g., specification at paragraph [0032]) and the first printing form (e.g., 122 in Fig. 2, specification at paragraph [0035]), the first printing form having the first mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0034]) providing first preset motor phase information for presetting the first drive motor (e.g., 220 in Fig. 1, e.g., specification at paragraph [0032]) to a first preset phase; a first sensor (e.g., 24 in Fig. 1, e.g., specification at paragraph [0033]) for reading the first mark (e.g., 70 in Fig. 2, e.g., specification at paragraph [0035]), the first sensor (e.g., 24 in Fig. 1, e.g., specification at paragraph [0033]) having an output (e.g, specification at [0024]); and a controller (e.g., 200 in Fig. 1, e.g., specification at paragraph [0033]) for determining the first preset motor phase information as a function of the output of the first sensor (e.g., 24 in Fig. 1, e.g., specification at paragraph [0033]) and determining the desired preset motor phase information and providing the desired preset motor phase information to the plate or image making equipment (e.g., 50 in Fig. 1, e.g., specification at paragraph [0033]).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 6, 8, 10 to 12, 14, 16 and 20 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985). Whether claim 9 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Banke (US 4,872,407). Whether claims 15 and 17 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Chretinat et al. (US 6,167,806). Whether claim 19 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Huston (US 5,816,165).

7. ARGUMENTS

Claims 1 to 6 and 8 to 12, 14 to 17, 19 and 20: Rejections under 35 U.S.C. §103(a)

Claims 1 to 6, 8, 10 to 12, 14, 16 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Banke (US 4,872,407). Claims 15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Chretinat et al. (US 6,167,806). Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Huston (US 5,816,165).

Takeuchi discloses in the Background of the Invention a conventional presetting apparatus which has a plurality of sensors for detecting register marks formed on a printing plate mounted on each plate cylinder. Each sensor detects the phase deviations of the plate cylinders to carry out a registering operation. Each register mark in the conventional plates

described by Takeuchi is burned in the same place with respect to an image, i.e. for any image the register mark is in a known location. Knowing this location via sensors, plate cylinders can be preset during a presetting operation as described by Takeuchi at column 2, lines 49 et seq. and column 5, lines 53 et seq. and Fig. 6.

The marks are used to match the rotational phases of all of the plate cylinders. (See col 6, lines 31 to 34).

Warren shows a printing plate with plate management information.

Claim 1 of the present application recites a method for presetting motor phase in a web printing press comprising the steps of:

determining a desired preset phase for a motor;

subsequent to the determining step, providing a mark on a first printing form using plate or image making equipment, the plate or image making equipment providing the mark as a function of the determined desired preset phase for a motor driving the first printing form during printing;

reading the mark using a sensor, the sensor having a sensor output; and

presetting the phase of the motor as a function of the sensor output.

Neither Takeuchi nor Warren show or disclose "determining a desired preset phase for a motor" and "subsequent to the determining step, providing a mark on a first printing form using plate or image making equipment, the plate or image making equipment providing the mark as a function of the determined desired preset phase for a motor driving the first printing form during printing."

The mark in Takeuchi is a registration mark always in the same location and is no way provided by plate or image making equipment as a function of a determined desired preset phase for a motor. Moreover, the mark is not provided subsequent to any determined desired preset phase, nor has any time been asserted.

The mark of the present invention is a completely different mark which is provided for example at a different distance for each plate (See D in Fig. 2) depending on how that plate should be preset for a specific print job. Takeuchi stores this information in a controller memory, and does not provide it via a mark. Warren also does not disclose determining a desired preset phase and subsequently providing the mark as a function of the desired preset phase.

In addition, it is respectfully submitted that one of skill in the art would not have combined the mark of Warren with Takeuchi, as they serve a completely different purpose: Takeuchi's is solely to identify the image location on a plate for proper registration, while Warren's is to provide PIM information.

With respect to independent claim 14, claim 14 recites "plate or image making equipment providing a first mark to a first printing form, the first mark being provided as a function desired preset motor phase information" and "a controller for determining the first preset motor phase information as a function of the output of the first sensor and determining the desired preset motor phase information and providing the desired preset motor phase information to the plate or image making equipment." Neither Takeuchi nor Warren shows such plate making equipment or controller, as discussed above with respect to claim 1.

Withdrawal of the rejections to claims 1 and 14 and their dependent claims thus is respectfully requested.

Claim 2: Argued separately

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985).

Claim 2 recites the method as recited in claim 1 wherein the desired preset phase is a function of a physical position of the mark on the first printing form.

The physical position of the mark in Takeuchi on the printing form is completely independent of the desired preset phase, and is burned in the same place with respect to an image without any regard to the desired preset phase. Warren also does not show this feature.

Withdrawal of the rejection to claim 2 for this reason as well is respectfully requested.

Claims 3 and 4: Argued separately

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985).

Claim 3 recites the method as recited in claim 1 wherein the mark includes information related to the desired preset phase and claim 4 recites the method as recited in claim 2 wherein the mark includes information related to the desired preset phase.

Takeuchi's mark provides no information related to a desired preset phase. Warren's mark provides much information, but not related to a desired motor preset phase. See page 7, line 3 et seq. for example.

Withdrawal of the rejections to claims 3 and 4 for this reason as well is respectfully requested.

Claim 15: Argued separately

Claims 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Chretinat et al. (US 6,167,806).

Claim 15 recites the web printing press as recited in claim 14 further comprising a folder having a cutting device for cutting the web into signatures, the first preset motor phase information being a function of a reference position of the cutting device.

Chretinat discloses a printing control device.

However, none of the prior art discloses that the first preset motor phase information provided to plate making equipment be a function of a cutting device.

Withdrawal of the rejection to claim 15 for this reason as well is respectfully requested.

Claim 19: Argued separately

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (US 4,694,749) in view of Richard Geoffrey Warren (UK Patent GB 2 298 985) as applied to claims 1 to 6, 8, 10 to 12, 14, and 16, and further in view of Huston (US 5,816,165).

Claim 19 recites the method as recited in claim 1 further comprising measuring a distance of the mark from an edge of the first printing form.

Huston shows a method of encoding a roll length, but does not measure the distance of the mark from the edge of a printing form and is little related to Takeuchi.

Withdrawal of the rejection to claim 19 for this reason as well is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____
William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

APPENDIX A:

PENDING CLAIMS 1-6, 8-12, 14-17, 19 and 20 OF
U.S. APPLICATION SERIAL NO. 10/612,219

Claim 1 (previously presented): A method for presetting motor phase in a web printing press comprising the steps of:

determining a desired preset phase for a motor;

subsequent to the determining step, providing a mark on a first printing form using plate or image making equipment, the plate or image making equipment providing the mark as a function of the determined desired preset phase for a motor driving the first printing form during printing;

reading the mark using a sensor, the sensor having a sensor output; and

presetting the phase of the motor as a function of the sensor output.

Claim 2 (previously presented): The method as recited in claim 1 wherein the desired preset phase is a function of a physical position of the mark on the first printing form.

Claim 3 (original): The method as recited in claim 1 wherein the mark includes information related to the desired preset phase.

Claim 4 (original): The method as recited in claim 2 wherein the mark includes information related to the desired preset phase.

Claim 5 (previously presented): The method as recited in claim 1 wherein the first printing form is a lithographic printing plate.

Claim 6 (original): The method as recited in claim 1 wherein the mark is located outside a main image area of the printing plate.

Claim 7 (canceled).

Claim 8 (previously presented): The method as recited in claim 1 wherein the sensor reads the mark when the first printing form is on the printing press.

Claim 9 (original): The method as recited in claim 5 wherein the sensor reads the mark prior to placement of the printing plate on the printing press.

Claim 10 (original): The method as recited in claim 1 further comprising providing a second mark on a second printing form, the second mark being a function of a desired preset phase for a second motor driving the second printing form during printing, the first and second printing forms printing different webs.

Claim 11 (original): The method as recited in claim 1 further including calculating the desired preset phase for a specific job.

Claim 12 (original): The method as recited in claim 11 further comprising storing the desired preset phase.

Claim 13 (canceled).

Claim 14 (previously presented): A web printing press comprising:

plate or image making equipment providing a first mark to a first printing form, the first mark being provided as a function desired preset motor phase information;

a first printing group for printing a first web and having at least one first drive motor and the first printing form, the first printing form having the first mark providing first preset motor phase information for presetting the first drive motor to a first preset phase;

a first sensor for reading the first mark, the first sensor having an output; and

a controller for determining the first preset motor phase information as a function of the output of the first sensor and determining the desired preset motor

phase information and providing the desired preset motor phase information to the plate or image making equipment.

Claim 15 (original): The web printing press as recited in claim 14 further comprising a folder having a cutting device for cutting the web into signatures, the first preset motor phase information being a function of a reference position of the cutting device.

Claim 16 (original): The web printing press as recited in claim 14 further including a second printing group for printing a second web and having at least one second drive motor and at least one second printing form, the second printing form having a second mark providing second preset motor phase information for presetting the second drive motor to a second preset phase.

Claim 17 (original): The web printing press as recited in claim 16 wherein the controller controls the first and second drive motors.

Claim 18 (canceled).

Claim 19 (previously presented): The method as recited in claim 1 further comprising measuring a distance of the mark from an edge of the first printing form.

Claim 20 (previously presented): The method as recited in claim 1 wherein the mark is a bar code.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "2. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.